

Time commenced 6:00 pm  
Time finished 7:14 pm

## GENERAL LICENSING COMMITTEE 18 JULY 2011

**Present:** Councillor Marshall (in the Chair)  
Councillors Atwal, Barker, Harwood, Jackson, S Khan, Leeming, Rawson, Redfern, Richards, Tuplin, Whitby, F Winter and L Winter

### 01/11 Apologies for Absence

There were no apologies for absence.

### 02/11 Late Items to be introduced by the Chair

There were no late items.

### 03/11 Declarations of Interest

There were no declarations of interest.

### 04/11 Confirmation of the Minutes of the meeting held on 20 April 2011

The minutes of the meeting held on 20 April 2011 were agreed as a correct record and signed by the Chair.

### 05/11 Cumulative Impact Policy Consultation

The Committee considered a report on the request from Derbyshire Constabulary to consider implementing a Cumulative Impact Policy (CIP) for the inner city area of Derby. It explained that on 8 December 2010 the Committee had agreed to conduct a full consultation exercise on such a policy and set up a cross-party working group to assess the representations made and make recommendations to the Committee.

The consultation ended on 1 June 2011, having being run for twelve weeks. 23 responses were received, with 13 in favour of implementing a policy and 9 against. One response was neither in favour nor against a policy.

The Cross Party Working Group met on 28 June 2011 with Councillors Barker, Marshall, Redfern and Richards present. The legal advisor present advised that the guidance issued under section 182 of the Licensing Act 2003 identified that:

- (a) cumulative impact policies should focus on on-licence establishments
- (b) it would be inappropriate to apply a presumption in favour of granting licences to premises seeking to operate beyond a pre-determined/fixed terminal hour;
- (c) premises may create different cumulative impacts depending on the nature of their operation so Individual premises must be assessed on merit

The Cross Party Working Group recommended to the General Licensing Committee to:

1. Implement a cumulative impact policy within the area contained within the inner ring road subject to the exceptions arising from the legal advice given in paragraph 4.2 of the accompanying report;
2. Review the policy to coincide with the planned reviews of the existing Licensing Policy;
3. Agree that future reviews should include scope to identify whether the area of the cumulative impact zone should be retained, expanded or reduced, if appropriate, following receipt of sufficient evidence from the Police.

A copy of the proposed Cumulative Impact Policy was appended to the report for consideration.

Councillor Marshall asked about the legality of including on-licenses in the Cumulative Impact Policy. The Head of Legal Services – General, Olu Idowu, explained that the guidance stated that CIPs should focus on on-licence establishments but does not expressly exclude off-licences, however there should be an evidential base to justify inclusion. The police application in its current format did not support this as it focussed on the period 00:00 - 6:00, when city centre off-licences were largely closed.

Councillor Marshall felt that it was important that off-licences are included in the CIP from the start and Councillor Barker explained that there had been incidences where large supermarket chains had failed in appeals against other Local Authorities when refused a license due to a CIP as it was justifiable. Other Members raised concerns as to whether the CIP addresses the issues of pre-drinking outside of the city centre area and stressed that tighter enforcement was necessary to ensure that current licensing conditions and policies remain effective. Concerns were also raised that such a policy would leave city centre properties empty, discourage investment and that Responsible Authorities were not providing sufficient information during the licensing process to enable them to take more action against premises.

Members expressed a desire to receive evidence on the impact of city centre off-licences on the four licensing objectives before taking a decision on the CIP.

**Resolved:**

- 1. that the Chair would write to Derbyshire Constabulary to request more information within 28 days on the impact of city centre off-licences on the four licensing objectives;**
- 2. that a meeting of the General Licensing Committee would be held once such information is received to determine the request for a Cumulative Impact Policy**